

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION
Case No. 3:06-cv-3040**

ROBERT BRUNSON

PLAINTIFF

VS.

**DAN SMITH AND DIANE SMITH AS
CO-ADMINISTRATORS OF THE ESTATE OF
JASON DALE SMITH, DECEASED,
JONATHAN M. VOELCKER,
FRANKLIN MONROE VILLINES individually and
d/b/a VILLINES ENTERPRISES and
TAXI AND LIMO OF THE OZARKS,
and As President of
EAGLE SECURITY, LLC
EAGLE DISTRIBUTING OF HARRISON, LLC,
VILLINES LOCK & KEY, LLC, and
TAXI OF THE OZARKS, LLC**

DEFENDANTS

MOTION TO ALLOW AMENDMENT TO PLEADINGS

Comes now the Plaintiff, **ROBERT BRUNSON**, by and through his attorney, Frederick S. Rick Spencer, and for his Motion to Allow Amendment to the pleadings, specifically allowing the Amended Complaint to reflect that Dan Smith and Diane Smith as Co-Administrators of the estate of Jason Dale Smith, deceased, are the proper parties as the said Jason Dale Smith is deceased, and states that after this action was commenced in September, 2006, during the time when service of process was being attempted against Jason Dale Smith, the Plaintiff's counsel learned of the death of said Defendant;

WHEREFORE, the Plaintiff requests the Court allow the attached Amended Complaint already filed and marked Exhibit “A” and made a part hereof as though set out word for word, so that the proper parties who now are Dan Smith and Diane Smith, appointed Co-Administrators of the estate of Jason Dale Smith, deceased, be required to answer said complaint in their capacity as the duly-appointed administrators of the estate of Jason Dale Smith, deceased;

ROBERT BRUNSON

By: /s/ Frederick S. “Rick” Spencer
Frederick S. “Rick” Spencer
Attorney at Law
Spencer Law Firm
409 East Sixth Street
Mountain Home, Arkansas 72653
Tel. No. 870-425-6984
Ark. Bar No. 75120

CERTIFICATE OF SERVICE

I, Frederick S. "Rick" Spencer, Attorney at Law, do certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to all opposing attorneys of record in this case on October 31, 2006.

/s/ Frederick S. "Rick" Spencer

Frederick S. "Rick" Spencer
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